IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM NO. 50222-M of 2006
DATE OF DECISION. 29.11.2006

M/s. Punjab Beej Bhandar Bela and another .....Petitioners

Versus

State of Punjab through Insecticide Inspector Ropar ....Respondent

CORAM HON'BLE MR. JUSTICE AJAI LAMBA

PRESENT Mr.Rakesh Verma, Advocate
Mr. M. S. Joshi, DAG, Punjab.

AJAI LAMBA , J(Oral)

This is a petition under Section 482 of the Code of Criminal Procedure for quashing of complaint under Insecticide Act, 1968 read with Insecticides Rules, 1971 Annexure P1 and summoning order Annexure P2.

In the contention of the learned counsel for the petitioners, the petitioners have a licence to sell insecticides. It is pleaded that on 1.11.2002 a sample was drawn of an insecticide namely ANILOPHOS from a sealed and packed container from the premises of the petitioner firm. The said insecticide was manufactured by by M/s. Anu Products Ltd. New Delhi. There is no material to indicate that the product was not properly stored . The petitioners being involved only in the sale of insecticide cannot be held liable for misbranding of the insecticide. Only the manufacturer who is being proceeded against would be responsible .

Notice of motion was issued.

The facts as asserted by the petitioners have not been disputed.

Learned counsel appearing for the respondent / State has very fairly admitted that the petitioners are in-fact only the sellers of insecticide and there is no material on record to indicate that it was not properly stored . The sample was in-fact drawn from sealed container and therefore, the manufacturer who are being proceeded against would be responsible .

Considering the facts and circumstances of the case, this petition is allowed. The complaint Annexure P1 and summoning order Annexure P2 and proceedings as against the petitioners are quashed.

November 29,2006 **(AJAI LAMBA)**
mamta **JUDGE**